

ALAMEDA COUNTY SUPERIOR COURT
APPLICATION FOR APPOINTMENT TO ADR PANELS
including Judicial Arbitration, Mediation, Neutral Evaluation, and Private Arbitration

1. APPLICANT:

Applicant's Name: Frank Goulart
Firm Name: Frank Goulart, Attorney, Mediator & Arbitrator
Address: The Historic Linekin Building
22248 Main Street
City/State/Zip: Hayward, CA 94541
Telephone: (510) 581-9667 **Fax:** (510) 581-9668
Email: fgoulart@pacbell.net

2. PANEL REQUEST: *(All applicants are requested to serve as Judicial Arbitrators)*

Check each panel for which you are applying:

___ Judicial Arbitration X Mediation X Neutral Evaluation ___ Private Arbitration

3. EDUCATION:

<u>Dates (from-to)</u>	<u>College/University/Law School</u>	<u>Degree Obtained</u>
1977-1981	Armstrong School of Law, Berkeley	J.D.
1967-1969	University of California, Berkeley	
1973-1975	Chabot College, Hayward	A.A.

4. LEGAL EXPERIENCE: State Bar No. 101735 Date Admitted: Dec. 1981

A. Are you a member in good standing of the State Bar of California? X Yes ___ No

B. Are you a retired judicial officer? ___ Yes X No

Please describe when/where you last served as a judicial officer: n/a

C. Are you actively engaged in the practice of law at this time? X Yes ___ No

If not, are you retired from practice? n/a Date retired: n/a

If your license is presently inactive, please explain: n/a

D. Are you currently active in litigation practice? ___ Yes X No

Approximately what percentage of your practice involves litigation? %

E. If your practice includes personal injury litigation, approximately what percentage of your practice involves the representation of: plaintiffs % ; of defendants %?

F. How many of the following have you personally handled as attorney of record in the past five years? Jury Trials ; Court Trials ; Mediations ; Arbitrations ;

G. Describe any legal publications or teaching you have done: "Minimum Language Requirements in California Home Solicitation- Home Improvement Construction Contracts" (1993)

5. ADR TRAINING and EXPERIENCE

<u>Course Title</u>	<u>Sponsoring Organization</u>	<u>Hours of Credit</u>	<u>Dates</u>
300+ Mediations/Arbitrations as Mediator/Arbitrator			1981-present
Advanced Training for Commercial/Construction Arbitrators	American Arbitration Assoc		1990
Mediation Training	American Arbitration Assoc.	8	1983

- A. Number of years experience as: mediator 23 ; arbitrator 20; neutral evaluator 5;
- B. List all other court-connected ADR panels of which you are a member, specifying the processes for which you have qualified:
Alameda County Bar Association ADR Panel, Arbitrator & Mediator
- C. State the name(s) of any organization(s) through which you have provided ADR services during the past five years, giving the dates and the services you provided:
Alameda County Bar Association ADR Panel, Arbitrator & Mediator
- D. Describe the subject matter of five disputes in which you served as the ADR provider in the past 5 years, including the dates of service, the process and if you were sole or co-provider.
1. Construction Defect/Contractor Disputes (multiple);
 2. Residential and Commercial Real Estate Disputes (multiple);
 3. Disputes among heirs over Estates/Trusts (multiple);
 4. Real Estate Partition/Easement Disputes (multiple);
 5. Partnership/Employment/Business/Insurance Contract Disputes (multiple).
- E. Is your ADR style best described as X facilitative or X evaluative/directive?
As needed.
- F. Describe any ADR related publications or training you have done:
American Arbitration Association Basic Arbitrator Training Aug 1993
California State University Hayward, Extension Program
- G. Set forth your hourly fee or fee schedule, including any sliding scale or pro bono provisions.
Attach a copy of your fee agreement. (Please note: Judicial arbitrators waive compensation for the first three (3) hours of hearing time in Alameda County and all ADR panelists are requested to accept at least three (3) Judicial arbitration cases per year).
\$100 per hour per party

6. AVAILABILITY/SPECIAL REQUIREMENTS

- A. List any languages, other than English, in which you are able to conduct ADR proceedings:
As a former draftsman, I read blueprints.
- B. Please state any special bi-cultural/multi-cultural capabilities or familiarity you possess:
I am Portuguese, and am sensitive to issues of diversity.
- C. You are available to conduct ADR conferences: X in your office; _____ at counsel's office; X other (please describe: Job site on construction cases)
- D. You are available to conduct ADR proceedings: X during regular office hours; X evenings by appointment; X weekends by prior arrangement;
- E. Please describe any requirements you have for ADR participants such as submission of copies of pleadings, briefs, declarations in lieu of testimony, etc.:
Prefer to receive briefs 24 hours in advance.

7. SUBJECT MATTER DESIGNATION Please check each area below in which you are qualified by training/experience to provide ADR services, indicating the percentage it represents of your law practice, if any, and the ADR process(es) which you are prepared to offer in that area:

Case Type Accepted	% of Practice	Judicial Arb.	Mediation	Neutral Eval.	Private Arb.
Bankruptcy					
Business/Corp.	15		X	X	
Civil Rights					
Collections					
Construction	25	X	X	X	X
Contracts	10		X	X	
Elder law/abuse					
Employment					
-Discrimination					
-Harassment					
-Termination					
Environmental					
Fraud					
False Imprison.					
Family Law					
HO Ass'n	5		X	X	
Insurance Cov.	5		X	X	
Intellect. Property					
Landlord-Tenant	5		X	X	
Legal Malpractice					
Maritime					
Med Malpractice					
Partnership	5		X	X	
P.I. - Auto					
P.I. - Other					
Premises Liability	5		X	X	
Probate/Trust	10		X	X	
Product Liab.					
Real Property	15		X	X	
Securities					
Tax					
Toxic Torts					
Wrongful Death					
Other:					

Frank Goulart

MEDIATOR • ARBITRATOR
ATTORNEY AT LAW
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FAX: (510) 581-9668

MEDIATION FEE AGREEMENT

Case Name: _____ Case #: _____

We, the undersigned PARTIES, have voluntarily agreed to submit our dispute as referenced above to Mediation and have agreed that Frank Goulart shall serve as Mediator.

1. RIGHTS AND OBLIGATIONS OF THE PARTIES

The PARTIES understand and agree that mediation is voluntary and that any party may end participation in the process at any time. The PARTIES understand that the Mediator is a licensed attorney. However, the Mediator will not provide the PARTIES with legal advice nor represent the interests of any party as an attorney. The services of the Mediator are strictly limited to the mediation process. The PARTIES understand that each has the right to have an attorney present during the mediation and may consult an attorney regarding their legal rights and obligations at any time.

2. DESCRIPTION OF THE MEDIATION PROCESS

Mediation is a voluntary, informal, confidential process in which the Mediator assists the parties in communicating with each other, helps the parties clarify facts, identifies legal issues, and explores various options designed to lead to the resolution of the dispute.

The parties agree that the purpose of Mediation is to enter into a mutually acceptable agreement to resolve all relevant issues. Any agreement reached as a result of the Mediation shall be in writing, and shall be binding on the parties.

3. FEES FOR SERVICE

It is understood and acknowledged that the fees for the Mediator's services are \$100 per hour per party, payable by each party at the conclusion of each session.

Party Signature, Dated: _____

Party Signature, Dated: _____

Attorney Signature, Dated: _____

Attorney Signature, Dated: _____